

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

OCT 12 2016

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:16-CR-00450 ERW/NAB  
 )  
 ROBERTO DONAIRE (a.k.a. Robert )  
 Donaire), )  
 )  
 Defendant.

INDICTMENT

COUNT ONE

(Mail Fraud)

The Grand Jury charges that:

1. At all times relevant to this indictment, True Manufacturing Co., Inc. ("True Manufacturing") was a manufacturer of a wide range of industrial sized commercial refrigeration systems in Saint Charles County, Missouri located within the Eastern District of Missouri.

2. True Manufacturing product lines included large commercial refrigeration systems used in restaurants and grocery stores. True Manufacturing did not directly distribute its products. Instead, True Manufacturing worked through a distribution company to sell its products domestically and internationally. TriMark, LLC ("TriMark") served as a distributor of True Manufacturing refrigeration systems since 1995.

3. TriMark worked with commercial customers to design and/or remodel kitchen spaces and placed orders for refrigeration systems directly through True Manufacturing. Because the commercial customer purchased the refrigeration system through Trimark, Trimark handled all service issues related to the product and warranty repairs. True Manufacturing provided the

mechanical parts needed for the repairs and ultimately paid the service provider for the work performed.

4. TriMark maintained a list of approved service providers in the event that a commercial customer contacted TriMark regarding a serviceable issue with a True Manufacturing refrigerator system and would contact the provider when service was requested. TriMark would provide the service provider with the serial number and address of the refrigeration system in need of service. After servicing the refrigeration system, the contacted provider would submit a detailed work invoice to True Manufacturing for payment.

5. Roberto Donaire was an approved True Manufacturing service provider from approximately 2010 to 2012 and was regularly used by TriMark during that timeframe. In approximately November 2012, True Manufacturing removed Donaire from their list of approved service providers and TriMark ceased use of Donaire as a provider.

6. At some time unknown to the Grand Jury but by at least November 7, 2012 and continuing until at least March 23, 2015, the defendant devised a scheme and artifice to defraud and to obtain money from True Manufacturing and TriMark by means of false and fraudulent promises, pretenses and representations.

7. It was part of the scheme to defraud that the defendant created false and fraudulent service invoices and falsely represented to True Manufacturing and TriMark that services and supplies were provided to commercial clients by Donaire. Donaire falsely and fraudulently represented to True Manufacturing that the invoices were valid, that commercial customers had received the benefit of the products and services described in said invoices and that the invoices were properly payable as a valid expenditure of True Manufacturing funds. True Manufacturing's accounting department then paid the false and fraudulent invoices by sending a payment check, via the United States Postal Service, to Donaire in Hayward, California.

8. It was part of the scheme to defraud that the defendant stole a total of approximately \$112,048.00 for his own personal benefit and use.

9. On or about July 16, 2014, within the Eastern District of Missouri, for the purpose of executing the foregoing scheme and artifice to defraud and to obtain money or property and attempting to do so,

**ROBERTO DONAIRE (a.k.a. Robert Donaire),**

the defendant herein, did knowingly cause to be sent, from Saint Charles County, Missouri, by means of the United States Postal Service, an envelope containing payment check no. 457266 drawn on True Manufacturing's company account at Cass Commercial Bank in the amount of \$2,143.99 for false and fraudulent services, to the defendant in Hayward, California

In violation of Title 18, United States Code Section 1341.

**COUNT TWO**  
**(Mail Fraud)**

The Grand Jury further charges that:

10. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 as if fully set forth herein.

11. On or about February 18, 2015, within the Eastern District of Missouri, for the purpose of executing the foregoing scheme and artifice to defraud and to obtain money or property and attempting to do so,

**ROBERTO DONAIRE (a.k.a. Robert Donaire),**

the defendant herein, did knowingly cause to be sent, from Saint Charles County, Missouri, by means of the United States Postal Service, an envelope containing payment check no. 465130 drawn on True Manufacturing's company account at Cass Commercial Bank in the amount of \$579.76 for false and fraudulent services, to the defendant in Hayward, California.

In violation of Title 18, United States Code Section 1341.

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN  
United States Attorney

Dianna R. Collins, #59641MO  
Assistant United States Attorney